

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
08-CV-6043 (JMR/JSM)

Gustry L. Sailee )  
 )  
 v. ) ORDER  
 )  
 Anoka County et al. )

This matter is before the Court for consideration of the Report and Recommendation, issued November 19, 2008 [Docket No. 3], by the Honorable Janie S. Mayeron, United States Magistrate Judge. The Report recommended that plaintiff's application to proceed without prepayment of fees be denied, and that this action be summarily dismissed. Plaintiff pro se timely objected pursuant to Local Rule 72.2. Plaintiff also moved for appointment of counsel, and filed an Amended Complaint.

Based on a de novo review of the record, including the Amended Complaint, the Court adopts the Magistrate's Report and Recommendation [Docket No. 3]. Accordingly, IT IS ORDERED that:

1. Plaintiff's application to proceed without prepayment of fees [Docket No. 2] is denied.
2. The Amended Complaint does not cure the problems identified by the Report and Recommendation. Even as amended, the complaint does not allege a cognizable cause of action against any defendant. Therefore, the action is summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. Plaintiff's motion to appoint counsel [Docket No. 6] is denied.

Dated: January 6, 2009

s/ JAMES M. ROSENBAUM  
JAMES M. ROSENBAUM  
United States District Judge